

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7090**

**BILL NUMBER: SB 380**

**NOTE PREPARED: Jan 5, 2006**

**BILL AMENDED:**

**SUBJECT:** Lifetime Probation for Repeat Child Molesters.

**FIRST AUTHOR:** Sen. Zakas

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that a repeat child molester may be placed on lifetime probation.
- B. It permits the court to hold a lifetime probationer who has violated a condition of probation in contempt of court if the lifetime probationer has completed the underlying sentence.
- C. It permits a court to institute involuntary commitment proceedings against a lifetime probationer who has violated a condition of probation if the court believes that the probationer is mentally ill and dangerous.
- D. It makes conforming amendments.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** *Civil Commitment:* If an offender is committed to the Division of Mental Health and Addiction of the Family and Social Services Administration (FSSA), any expenditures would depend on the cost of the facilities these offenders may be housed in or, if an interagency agreement is reached, what Department of Correction (DOC) facilities might house them. The estimated cost of housing, based on the annual cost per patient at the Isaac Ray Unit, is \$375 per day, or \$136,875 per year. FSSA also indicates that the hospital facility would incur an additional cost of \$31,487 for security costs per year for each predator.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Any local impacts of this bill will depend on the sentencing patterns of the courts. It is assumed that under current law, the earliest year that this bill would begin to affect probation

workload would be 2013. The estimated effects on the future workload of county probation departments will depend on the average age of the offenders at the time of release from prison, the number of offenders being released, and the earliest year when offenders would be released on probation. Assuming that offenders live to an average age of 77, an additional 410 offenders could be on probation statewide by the year 2053.

*Background* – Child molesting is a Class C felony and can be enhanced to either a Class B or A felony depending on the age of the victim, the sexual act involved, and whether force or the threat of force was used. LSA identified 192 repeat Class B and C child molesters who were released from DOC facilities between CY 1999 and 2004 and for the first six months of 2005. On average, 10 Class B felons and 21 Class C felons were released annually between CY 1999 and 2004. Class B felons spent on average 6 years in prison prior to release as compared to 4 years for Class C felons.

Depending on court discretion and an offender's conduct while in prison, offenders can be discharged with no supervision if they serve their entire sentence without acquiring any credit time for good behavior or be released on either parole or probation. The majority of offenders are released on parole or probation. Slightly more of the Class B offenders released each year are on probation, while slightly more Class C offenders are released on parole.

<b>Type of Community Supervision by Repeat Felony B and C Child Molesters</b>									
CY	Class B Felons Released				C Felons Released				
	Probation	Parole	Discharged	Total	Probation	Parole	Discharged	Died	Total
1999	2	2	0	4	9	5		1	15
2000	4	0	1	5	8	2	1	0	11
2001	6	3	1	10	13	8	3	0	24
2002	8	3	0	11	7	14	1	0	22
2003	6	9	1	16	7	14	1	0	22
2004	6	7	1	14	6	16	5	2	29
Yearly Ave	5	4	1	10	8	10	2	1	21

*Projecting Future Offender Population on Probation* – Under current law, Class B offenders sentenced for child molesting can be kept on probation for not more than ten years upon release from prison. Class C felony child molesters may be kept on probation for two years.

On average, the average length of time spent in prison is 6 years for Class B felons and 4 years for Class C felons for these 192 offenders.

<b>Years in Prison for Felony B and C Child Molesters Released by CY</b>		
	C Felons	B Felons
1999	2	6
2000	3	6
2001	4	5
2002	4	6
2003	4	7
2004	5	6
Avg. 2000 to 2004 (rounded)	4	6

*Statewide Impact on Probation Population* – This bill would begin increasing the probation population in

2013. Under current law, Class C felons sentenced in FY 2007 would be released in 2011, be on probation from 2011 to 2013 and then could begin the extended lifetime probation. And Class B felons sentenced in FY 2007 would be released in 2013 and be on probation until FY 2023 under current law. Under the bill, these offenders would remain on probation for the next 26 years on average. Assuming all child molestation offenders remain on probation until their average time of death at 77 years of age, the accumulated number of offenders who would remain on probation would be 410 due to this bill.

<b>Statewide Impact on Probation Departments Due to Lifetime Probation for Offenders Sentenced for Child Molesting with Prior Conviction of Child Molesting</b>			
	<u>Class C Felons</u>	<u>Class B Felons</u>	<u>Accumulated</u>
Average Number Released per Year to Probation (Rounded)	8	5	13
Average Length of Stay (In Years) in DOC	4	6	
Average Age at Release to Probation	40	41	
Average Years on Probation	2	10	
Year of Release Based on FY 2007 Commitment Year	2011	2013	
Year Added Probation Would Begin	2013	2023	
Average Age at Death	77	77	
Number of Years Offenders Would Have to Be on Probation	35	26	
<b>Accumulated Number of Offenders on Lifetime Probation</b>	<b>280</b>	<b>130</b>	<b>410</b>

*Civil Commitments* - If an offender violates the terms of probation, the court supervising the offender may decide to initiate commitment proceedings and the county would incur added costs for the legal defense of the offender. Depending on whether the case is litigated, added costs to the counties could be significant.

**Explanation of Local Revenues:** Offenders would continue paying a probation user fee for a longer period of time. The initial fee is between \$25 and \$100, and the monthly fee ranges between \$15 and \$30.

**State Agencies Affected:** Department Of Correction; Family and Social Services Agency.

**Local Agencies Affected:** Trial courts, probation departments.

**Information Sources:** Department of Correction.

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